IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 19243 of 2004

Between:

Gunti Gandhi Babu S/o Kesvarao,

Municipal Councilor,
26th Ward Chirala Municipality,

Resident of Ramalyam Street, Chirala, Prakasam District

..... PETITIONER

AND

1 The District Collector & Executive Magistrate, Prakasam District, at Ongole
2 The Principal Secretary to Government of A.P. Department of Municipal Administration and Urban Development, Secretariat Builidngs, Saifabad, Hyderabad.
3 The Commissioner, Chirala Municipality, Chirala, Prakasam District
4 The Chair-Person, Chirala Municipality, Chirala, Prakasam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records pertaining to the order of the 1st respondent dated 3-10-2004 in R.C. E4/3594/04 and to quash the same and consequently to direct the respondents to execute the resolutions of the Municipal Council approved

on 9-9-2004.

Counsel for the Petitioner:MRS.G.JAYA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.3 and 4: ----

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader appearing for the first and second respondents.

The first respondent-District Collector and Executive Magistrate, Prakasam District, by the impugned proceedings dated 03-10-2004 suspended the resolution on items 6 to 61 in the agenda of the General Council meeting held on 09-09-2004 by the Chirala Municpality in exercise of powers delegated under Section 70 read with 59 (i) (c) of the A.P.Municipalities Act (for short "the Act"). Questioning the same, the petitioner, who is the Municipal Councilor, Chirala, filed the present writ petition.

The first respondent on such suspension of the resolution has to submit a report to the Government as per Section 70 of the Act. Then, it is for the Government either to rescind the Collector's order or after giving the authority or person concerned a reasonable opportunity of explanation, direct that it shall continue in force with or without modification permanently or for such period as they think fit.

In view of the same, the first respondent shall submit a report to the Government as per Section 70 of the Act and on such submission, it is for the Government to consider the same and pass appropriate orders.

With the above observation, the writ petition is disposed of. No costs.

14th OCTOBER, 2004.

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To

1 The District Collector & Executive Magistrate, Prakasam District, at Ongole
2 The Principal Secretary to Government of A.P., Department of Municipal Administration and Urban Development, Secretariat Builidngs, Saifabad, Hyderabad.
3 The Commissioner, Chirala Municipality, Chirala, Prakasam District
4 The Chair-Person, Chirala Municipality, Chirala, Prakasam District

5 Two CCs to the Government Pleader for Municipal Administration and Urban Development, A.P.High Court Buildings, Hyderabad (OUT)

6 Two CD copies.